



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,812	05/19/2000	James A. Stob	STOB-0001	4117

7590

05/12/2003

ANDREW B. KATZ
COZEN O'CONNOR
1667 K STREET, N.W.
SUITE 500
WASHINGTON, DC 20006

EXAMINER

NEURAUTER, GEORGE C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,812

Applicant(s)

STOB, JAMES A.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claims 1-27 are objected to because of the following informalities:

Claim 1 contains the word "websites". This word should read "website's".

The claims use the words "file name" and "filename" to describe this element within the claims. The Applicant is required to maintain a consistent use of one particular noun when describing this element in order to avoid antecedent basis issues.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2143

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 22 recites the limitation "...displaying the metatag information within the webpage associated with the uniform resource locator." The specification does not enable this limitation sufficiently to use the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7, 12-16 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claims 7 and 14 recite the limitation "internet cataloging engine". There is insufficient antecedent basis for this limitation in the claim.

The Examiner will assume that the limitation "internet cataloging engine" is the "internet cataloging website" disclosed in claim 1, as this would give the claims proper antecedent basis.

10. Claims 21-24 recite the limitation "displaying the uniform resource locators associated with the managed website". There is insufficient antecedent basis for this limitation in the claim.

The Examiner will assume that claims 21-24 depend on claim 20 instead of claim 1, which would give the claims proper antecedent basis.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by “Archiving the Internet” by Brewster Kahle, published 4 November 1996, originally posted 11 October 1997, retrieved from http://web.archive.org/web/19971011050140/www.archive.org/sciam_article.html (hereinafter “Archiving”).

Regarding claim 1, “Archiving” discloses a website management method for managing a websites visibility on the Internet, comprising the steps of:

retrieving at least one file name; determining if the file name is to be submitted to an Internet cataloging website, and submitting an acceptable uniform resource locator containing the file name to at least one Internet cataloging website. [pages 3-4, section “Technical Issues of Gathering Data”, specifically paragraphs 4-5]

Regarding claim 2, “Archiving” discloses the website management method as in claim 1, further comprising the step of: storing only the file names known to be webpages. [pages 3-4, section “Technical Issues of Gathering Data”, specifically paragraph 4]

Regarding claim 3, "Archiving" discloses the website management method as in claim 2, further comprising the step of: storing the entire file associated with the file name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 4, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing only the file names known to be webpages and were submitted to at least one Internet cataloging website. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 5, "Archiving" discloses the website management method as in claim 4, further comprising the step of: storing the entire file associated with the file name that was submitted to at least one Internet cataloging website. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 6, "Archiving" discloses the website management method as in claim 4, wherein storing only the file names known to be webpages further comprises storing the date and time the file name was submitted to at least one Internet cataloging website and the name of the Internet cataloging website. [page 3, section "Preservation of Our Digital History, paragraph 4; pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4; page 5, section "Providing Access and New Services", paragraphs 2-5]

Regarding claim 7, "Archiving" discloses the website management method as in claim 1, further comprising the step of: determining which file names are to be submitted

Art Unit: 2143

to the Internet cataloging search engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 8, "Archiving" describes the website management method as in claim 1, wherein retrieving at least one file name further comprises the step of: reading file names from a file. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 9, "Archiving" discloses the website management method as in claim 1, wherein retrieving at least one file name further comprises the steps of: searching the programming code of the file name retrieved for additional file names known to be webpages, and searching each additional file name known to be a webpage for additional file names known to be webpages until all webpages linked from the file name have been exhausted. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 10, "Archiving" discloses the website management method as in claim 1, wherein retrieving at least one file name comprises the steps of: searching all the file names known to be a webpage within the current directory; traversing each and every directory from the current directory, and searching each traversed directory for additional file names known to be webpages. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 11, "Archiving" discloses the website management method as in claim 10, further comprising the step of: creating a uniform resource locator by combining the file name with the protocol, domain name, and corresponding traversed

Art Unit: 2143

directory name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 12, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: checking the date the file name was last submitted to the Internet cataloging engine; checking the submission rules associated with the Internet cataloging engine to submit the file name to, and allowing the file name to be submitted if the date the file name was last submitted does not violate the rules of the Internet cataloging engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 13, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: checking the user defined rules for the number of uniform resource locators to be submitted to the Internet cataloging engine, and allowing the file name to be submitted if the submission does not violate a user defined rule. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 14, "Archiving" discloses the website management method as in claim 5, further comprising the step of: determining which file names are to be submitted to the Internet cataloging search engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 15, "Archiving" discloses the website management method as in claim 14, wherein determining which file names are to be submitted further comprises the steps of: comparing the data associated with the stored file name to the current

Art Unit: 2143

corresponding file name file data found on the website, and allowing the file name to be submitted to the Internet cataloging search engine if the file name file data found on the website is different from the data associated with the stored file name. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 2 and 4-5]

Regarding claim 16, "Archiving" discloses the website management method as in claim 7, wherein determining which file names are to be submitted further comprises the steps of: searching a file containing file names that are not to be submitted to search engines; not allowing the file name to be submitted to an Internet cataloging search engine if the file name is found in the file containing file names that are not to be submitted to search engines. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 5]

Regarding claim 17, "Archiving" discloses a website management method as in claim 1, wherein submitting an acceptable uniform resource locator further comprises: determining if the uniform resource locator is in a form acceptable to the Internet cataloging search engine, and modifying the uniform resource locator to be in a form acceptable to the Internet cataloging search engine the uniform resource locator is to be submitted to, if it is determined to be in a form that is unacceptable to the Internet cataloging search engine. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 18, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing filenames known to be webpages that

exist on the website being managed. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 19, "Archiving" discloses the website management method as in claim 1, further comprising the step of: storing filenames known to be webpages that exist on external websites which are not being managed. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraph 4]

Regarding claim 20, "Archiving" discloses the website management method as in claim 1, further comprising the step of: displaying the uniform resource locators associated with the managed website. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 21, "Archiving" discloses the website management method as in claim 1, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the title within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 22, "Archiving" discloses the website management method as in claim 1, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the metatag information within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 23, "Archiving" discloses the website management method as in claim 1, wherein displaying the uniform resource locators associated with the managed

Art Unit: 2143

website further comprises displaying the title within the webpage associated with the uniform resource locator. [pages 1-2, introduction section, paragraph 4; page 3, section "Perservation of Our Digital History, paragraph 4]

Regarding claim 25, "Archiving" discloses a website management method for managing a websites visibility on the Internet, comprising the steps of: retrieving at least one file name; creating an acceptable uniform resource locator by combining the file name with a protocol and a domain name, and submitting the acceptable uniform resource locator to at least one Internet cataloging website. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 26, "Archiving" discloses computer executable software code stored on a computer readable medium, the code for managing a websites files for submission to a search engine, comprising: code for retrieving at least one file name; code for determining if the file name is to be submitted to an Internet cataloging website, and code for submitting an acceptable uniform resource locator containing the file name to at least one Internet cataloging website. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Regarding claim 27, "Archiving" discloses computer executable software code stored on a computer readable medium, the code for managing a websites files for submission to a search engine, comprising: code for retrieving at least one file name; code for creating an acceptable uniform resource locator by combining the file name with a protocol and a domain name, and code for submitting the acceptable uniform

Art Unit: 2143

resource locator to at least one Internet cataloging website. [pages 3-4, section "Technical Issues of Gathering Data", specifically paragraphs 4-5]

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Archiving" in view of Kirsch [US Patent 5 659 732].

"Archiving" does not expressly disclose the website management method as in claim 1, wherein displaying the uniform resource locators associated with the managed website further comprises displaying the ranking position of the uniform resource locator within a desired search engine, however, Kirsch discloses that displaying the ranking position of a uniform resource locator within a desired search engine in the context of ranking a particular document collection is well known and used in the art [column 1, lines 33-53, specifically 47-50], therefore, one of ordinary skill in the art would have

Art Unit: 2143

found it obvious to combine the teachings of these references to achieve the invention as claimed because one of ordinary skill would have been aware of and routinely used the well known subject matter.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"The Web Robots FAQ..." by Martijn Koster, originally posted 17 January 1999, retrieved from
<web.archive.org/web/19990117003420/http://info.webcrawler.com/mak/projects/robots/robots.html>;

"Anatomy of a URL", retrieved from
<www.colby.edu/web_class/URL/anatomy.html>;

"A Web Crawler in Perl" by Mike Thomas, published in "Linux Journal", Vol. 1997, Issue 40es, August 1997;

US Patent 5 935 210 A to Stark;

US Patent 6 182 072 B1 to Leak et al;

US Patent 6 253 198 B1 to Perkins;

US Patent 6 366 933 B1 to Ball et al;

US Patent 5 855 020 A to Kirsch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is

Art Unit: 2143

703-305-4565. The examiner can normally be reached on Mon-Fri 9am-5:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn
April 28, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100